

BRIAN HOGAN, et al.,

Plaintiffs,

v.

CHEROKEE COUNTY, et al

Defendants,

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**PLAINTIFFS’ PROPOSED JURY
VOIR DIRE QUESTIONS**

1. Have you or a member of your immediate family ever had any legal training or education? If so, please describe. Is there anything about that training that would affect your decision in this case?
2. Do you now or have you ever worked in the legal field? If yes, in what capacity? When?
3. Do you have any immediate family members who have worked in the legal field? If yes, in what capacity? When?
4. Have you or a member of your immediate family ever had any training or experience in the following fields: (a) social work, (b) school

teacher/education, (c) drug addiction rehabilitation services, (d) medical services, or (e) law enforcement. If so, describe.

5. Have you ever been employed by a city, county or municipal government or governmental agency? If so, briefly describe what you did and when.
6. Do you have children? If so, state their current ages and whether they are currently living with you.
7. Have you or any member of your immediate family ever had any experience with drug addiction? If so, describe.
8. Have you or any member of your immediate family ever been employed as a social worker? If so, please describe the job and when it occurred.
9. Have you or any member of your immediate family ever been employed in any capacity by a Department of Social Services or other agency providing services to parents, children or families? If so, please describe the job and when it occurred.
10. Have you had a family member or friend who experienced mental health issues that required treatment, resulted in in-patient treatment or commitment?
11. Have you had a family member or friend who experienced drug or alcohol addiction issues that required treatment, resulted in in-patient treatment or commitment?

12. Have you, or any member of your family, ever had involvement with a Department of Social Services? If so, please describe generally what happened and state whether court proceedings occurred.
13. Does anyone have any negative perceptions of social service or public assistance employees that will prevent them from being fair and impartial in this case? If so, please briefly explain.
14. Has anyone read or heard anything about this case before coming to court today? If so, please describe what you read or heard.
15. Have you or anyone in your immediate family ever had any contact with Cindy Palmer? If so, state when the contact occurred and describe what happened.
16. Have you or anyone in your immediate family ever had any contact with Scott Lindsay? If so, state when the contact occurred and describe what happened.
17. Have you or anyone in your immediate family ever had any contact with any employee or representative of the Cherokee County government? If so, please state when the contact occurred and describe what happened.
18. Have you or anyone in your immediate family ever had any contact with any of the Cherokee County commissioners who were in office when the events in the lawsuit occurred? For reference, they were C.B. McKinnon; Dan

Eichenbaum; Cal Stiles; Gary Westmoreland; and Roy Dickey. If so, state who was involved, when the contact occurred and describe what happened.

19. Have you or an immediate family member ever sued anyone or been sued by anyone? If so, give a brief statement of the circumstances.

20. Have you or any member of your family ever served as an elected official? If so, please describe the relationship of that person to you and describe the nature of elective office that he or she holds or held?

21. Have you or any close member of your family ever filed a suit for money damages against anyone else?

22. Do any of you believe that if a government agency violates a person's constitutional rights, the individuals responsible for the violation shouldn't be held responsible and accountable?

23. Some people do not believe in lawsuits or think it is morally wrong to file a lawsuit. Do any of you feel that way?

24. Plaintiffs will be asking you to award money damages against the Defendant. Does anyone have a deeply held or fundamental belief against Plaintiffs seeking compensation for the injuries they have suffered?

25. If you find that the Plaintiffs have met their burden of proof to recover from any of the Defendants, do you believe you can render a monetary verdict,

based on the evidence presented to you? Is there any reason that you could not award money damages to the plaintiffs?

26. The standard of proof in a civil case is preponderance of the evidence, which means a plaintiff only has to show that the evidence supports their claims to a greater extent than the defendants, that is, that the evidence makes existence of a fact more probable than its nonexistence.. That standard of proof is less demanding than the criminal standard, which requires a prosecutor to establish guilt beyond a reasonable doubt. The preponderance of the evidence standard simply means that the verdict should be based on the greater weight of the evidence, that is, that is, evidence which is of greater weight than that offered in opposition to it. Are you willing to apply this lower burden of proof in this civil case?

27. As to this case, do you at this point have any past experience and/or information, which in your opinion, may tend to influence your decisions with regard to either party? If so, what is that information?

28. Is there anything in your background or something that happened in your past that you think we should know about but have not asked that could affect your ability to be a fair and impartial juror in this case? If so, please explain.

29. Do you know of any other reason or has anything occurred during this questioning period that might make you doubtful that you would be a

completely fair and impartial juror in this case? If there is, then it is your duty to disclose that reason at this time.

30. Do you know of any reason whatsoever why you would prefer not to serve as a juror in this case? What is that reason?

31. Will you follow and apply the law as the judge gives it to you, even if you believe that the law should be different than the law that the Court instructs you to apply?

32. Has any member of the jury already formed any opinion regarding this case from what you have already heard about the case so far? Does the opinion involve the merits of the case?

33. Can you set aside any unfavorable attitudes, prejudices or biases and apply the law – even if you may disagree with the law? If you can do this, please raise your hand.

34. Has anyone ever sat on a jury before? If so, was it in state or federal court? Was it a civil or criminal trial? Was the jury able to reach a verdict? Were any of you selected as the foreperson of that jury? Was there anything about that experience that you believe would affect how you view the evidence in this case?

35. Has anyone ever testified in a civil or criminal trial or hearing? If so, please describe.

36. Do any of you know any other member of the jury panel? If so, whom do you know and how are you acquainted?

37. Plaintiffs in this case are represented by Ron Moore, Melissa Jackson, Brandon Christian, and David Wijewickrama. Do you know or have you done business with these attorneys or their firms? Please describe your experience. Is there anything about that experience and/or information which might influence your decision in this case?

38. Defendants in this case are represented by Sean Perrin, Pat Flanagan, and Jon Kubis. Do you know or have you done business with these attorneys or their firms? Please describe your experience. Is there anything about that experience and/or information which might influence your decision in this case?

39. The following is a list of witnesses who may be called to testify in this case. I will read each name. If you know that potential witness, please raise your hand when his/her name is called. [READ LIST OF WITNESSES FOR EACH PARTY.]

40. During the course of this case, evidence will be presented primarily through the testimony of live witnesses. However, there are a few witnesses whose testimony will be presented through reading a portion of their deposition to you. We expect to have a person who will play the part of the witness by

reading the answers given during the deposition to you. Is there any reason that you feel that you cannot consider this deposition testimony in the same manner in which you would live testimony?

In addition, the Plaintiffs respectfully request that the Court allow counsel to ask additional questions based on information revealed by the prospective jurors in response to the above questions and/or reasonably related to the issues and evidence to be presented at trial.

Respectfully submitted, this the 9th day of May, 2021.

BY:

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CERTIFICATE OF SERVICE

This is to certify that on May 9, 2021, a copy of the foregoing PLAINTIFFS' PROPOSED JURY VOIR DIRE QUESTIONS was served on all counsel having made appearances in the case via the CM/ECF system.

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